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SUBJECT: CONGRESS DELIVERS RESULTS DESPITE PARA-POLITICAL
SCANDAL

REF: REF A) BOGOTA 1169 AND PREVIOUS

11. Summary. The Colombian Congress passed the GOC's top legislative priorities during its February-June session, despite the distraction of the para-political scandal. President Uribe's governing coalition lacks discipline and programmatic coherence, but was able to unite on votes that mattered, passing the U.S.-Colombia Trade Promotion Agreement (CTPA) and a critical bill reforming federal and state revenue sharing. The GOC also killed a last minute attempt to insert a provision into ethics legislation limiting GOC authority to investigate Congress. When Congress resumes on July 20, GOC and party leaders will focus on legislation to protect the October local elections from armed and criminal groups. End summary.

Congress and Uribe Coalition Get the Job Done

22. Despite the distractions of the para-political scandal (Ref A) and local elections scheduled for October, President Uribe's Congressional coalition passed his top legislative priorities in the February-June session. The Uribe coalition--which controls nearly 70 percent of the Senate and 64 percent in the House--lacks discipline and programmatic coherence, and coalition parties used every vote to squeeze favors out of the president. Still, as U Party President Carlos Garcia told us, the bottom line was that the coalition mustered the votes needed to pass the key items on Uribe's legislative agenda.

CTPA Passed:

33. The CTPA easily passed on June 13 with the support of all coalition parties. Only the leftist Polo Democratico Party opposed the CTPA. Congress held 19 heated debates and numerous public hearings from March-June on the CTPA. Members of all parties told us their constituents had been concerned about possible future U.S. requests for changes to the CTPA, as well as with CTPA provisions on agriculture, medicines, and intellectual property. The Congress will have to review and vote on the protocol to the CTPA signed on June 27 containing changes to the text as requested by the U.S. Congress. It is unclear when the GOC plans to present the Protocol for approval.

Key Legislation Passed

14. Congress also passed a bill reforming the system of federal to state budget transfers. The reform is considered key to the federal government's long-term fiscal health. Since the "transfers" measure was considered a constitutional change, it had to pass through a second round of votes in the February-June session (in addition to four in the July-December 2006 session) to become law. The bill was highly unpopular, and generated numerous protests throughout Colombia in May-June. Its passage was hailed as a major victory for Uribe and a sign that Congress remained focused.

Other key legislation passed:

--A National Development Plan for 2006-2010 provides funds for local projects, stepped-up infrastructure development for Afro-Colombian and indigenous development projects, and additional funds and personnel for the Prosecutor General's Office (Fiscalia) to facilitate investigation and prosecution of human rights, labor rights, and paramilitary cases. President Uribe has objected to specific tax provisions in the bill, meaning it will be returned to Congress on July 20 for adjustment (expected by mid-August).

--A Military Justice Reform Law amends the military criminal justice code to clarify that torture, genocide, and forced disappearances fall under the jurisdiction of the civilian justice system. The UN High Commissioner's Office on Human Rights noted the reform could place some violations of international humanitarian and human rights law within the military court's jurisdiction, and is seeking changes;

--A Rural Development Law--with input from the USG--consolidates a wide range of existing laws and regulations related to land use, reduces the role and increases the transparency of land titling agency INCODER,

adds protections for vulnerable groups including displaced persons and Afro-Colombians, and improves land use regimes.

Challenges Remain

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15. The para-political scandal which landed 13 members of Congress in jail was a distraction during the February-June session, and some lower-priority bills stalled. A bill providing rights to homosexual couples that passed the four needed votes in the Congress was torpedoed by opponents at the eleventh hour by a procedural maneuver. A complex election reform bill presented in March--also requiring constitutional change--ran out of time. The GOC will seek passage of the bills in the Congressional session which begins July 20.

Effort to Weaken Investigations of Congress Fails:

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16. A last minute attempt to sneak through an article in an ethics reform bill sharply reducing the Inspector General's Office (Procuraduria) authority to investigate Congress passed, but President Uribe vetoed the bill and sent it back to Congress where the GOC expects the article to be removed. The measure, which was inserted into the bill in the last days of the session by an independent representative, would have given the Congress "exclusive" jurisdiction to investigate certain accusations against members, effectively stripping the Procuraduria of its authority to investigate Congress. The Procuraduria has more than ninety investigations against members of Congress pending.

Local Elections Near:

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17. Legislators are now focused on October local elections, making progress on new legislation unlikely until at least November. GOC officials and party leaders, content that Congress passed the most important elements of the GOC legislative agenda, tell us they will use the July congressional session to focus on election reform and to introduce additional mechanisms to guard against the influence of armed and criminal groups in local elections. Drucker